

Pro Se 3 (Rev. 12/16) The Defendant's Answer to the Complaint

UNITED STATES DISTRICT COURT

United States Courts
Southern District of Texas
FILED

MAY 24 2018

for the

Southern District of Texas



David J. Bradley, Clerk of Court

Houston_ Division

ANGEL FLORES, CESAR HERNANDEZ, DEBORAH
RIVERA, LAURA LOZOYA and SALLY A MARTINEZ
Individually and On Behalf of All Others SimilarlySituated

Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint.
If the names of all the plaintiffs cannot fit in the space above,
please write "see attached" in the space and attach an additional
page with the full list of names.)

-v-

JBM JANITORIAL MAINTENANCE, INC. KRC
FLOOR MAINTENANCE, INC. VIRIDIANA GARCIA
A/K/A VIRIDIANA MARTINEZ, RAFAEL V.MARTINEZ Cecil Martinez

Defendant(s)

(Write the full name of each defendant who is being sued. If the
names of all the defendants cannot fit in the space above, please
write "see attached" in the space and attach an additional page
with the full list of names.)

Case No. 4:18-cv-01263

(to be filled in by the Clerk's Office)

Jury Trial: (check one) ☒ Yes ☐ No

THE DEFENDANT'S ANSWER TO THE COMPLAINT

I. The Parties Filing This Answer to the Complaint

Provide the information below for each defendant filing this answer or other response to the allegations in the plaintiff's complaint. Attach additional pages if needed.

Name	Cecil Martinez
Street Address	7002 Hillsboro St.
City and County	Houston
State and Zip Code	Texas 77020
Telephone Number	cell:832-262-5043
E-mail Address	

II. The Answer and Defenses to the Complaint

A. Answering the Claims for Relief

On a separate page or pages, write a short and plain statement of the answer to the allegations in the complaint. Number the paragraphs. The answer should correspond to each paragraph in the complaint, with paragraph 1 of the answer corresponding to paragraph 1 of the complaint, etc. For each paragraph in the complaint, state whether: the defendant admits the allegations in that paragraph; denies the allegations; lacks sufficient knowledge to admit or deny the allegations; or admits certain allegations but denies, or lacks sufficient knowledge to admit or deny, the rest.

1. ANSWER

COMES NOW defendant CECIL M. MARTINEZ in the above-captioned cause of action and answers the Complaint of Plaintiff by generally denying all of the allegations in the Complaint, except as may be specifically admitted or deny bellow referring to paragraphs and/or sections as numbered by Plaintiffs Complain and pertaining to the Defendant (referred from here forward as "C. Martinez").

Nature of Suit

Defendant (C. Martinez) is without sufficient knowledge to either admit or deny the allegations contained therein and therefore denies same and leaves Plaintiff to its proof.

Jurisdiction & Venue

Defendant (C. Martinez) admits he resides in the Houston Division of the Southern District of Texas. Defendant is without sufficient knowledge to either admit or deny the allegations contained therein and therefore denies same and leaves Plaintiff to its proof.

Parties

Defendant (C. Martinez) is without sufficient knowledge to either admit or deny the allegations contained therein and therefore denies same and leaves Plaintiff to its proof.

Facts

Defendant (C. Martinez) denies any liability incurred from JBM. Defendant was a contractor his title was Contract Supervisor. Defendant's duties were to obtain contracts, and check if awarded money was accurate for the job. Defendant C. Martinez did not made decisions with operations because Defendant was sick most of the time. Defendant C. Martinez is diabetic, with heart, gull bladder, kidney and liver problems. Early 2016 Defendant C. Martinez was diagnosed with a rare pancreatic cancer, for which he has been receiving treatment since then. Defendant C. Martinez was then diagnose on 2017 with a second cancer, liver cancer which by the time it was diagnosed, it had spread into the colon. Defendant C. Martinez has been in and out of the hospitals for complications has had operations to place stents in his heart. He has also been in and out labs and doctors visit. Defendant C. Martinez was hardly in the JBM office. Regarding the

remainder of the allegations, defendant is without sufficient knowledge to either admit or deny the allegations contained therein and therefore denies same and leaves Plaintiff to its proof.

Count One-Failure to pay the Minimum Wage

Defendant (C. MARTINEZ) is without sufficient knowledge to either admit or deny the allegations contained therein and therefore denies same and leaves Plaintiff to its proof.

Count Two- failure to pay Overtime

Defendant (C. MARTINEZ) is without sufficient knowledge to either admit or deny the allegations contained therein and therefore denies same and leaves Plaintiff to its proof.

Count Three- Failure to Maintain Accurate Records

Defendant (C. MARTINEZ) is without sufficient knowledge to either admit or deny the allegations contained therein and therefore denies same and leaves Plaintiff to its proof.

.Count Four-Collective Action Allegations

Defendant (C. MARTINEZ) is without sufficient knowledge to either admit or deny the allegations contained therein and therefore denies same and leaves Plaintiff to its proof.

Jury by Trail

Defendant (C. MARTINEZ) is without sufficient knowledge to either admit or deny the allegations contained therein and therefore denies same and leaves Plaintiff to its proof.

Prayer

Having completed the Answer to the complaint, Defendant (C. MARTINEZ) is without sufficient knowledge to either admit or deny the allegations contained therein and therefore denies same and leaves Plaintiff to its proof.

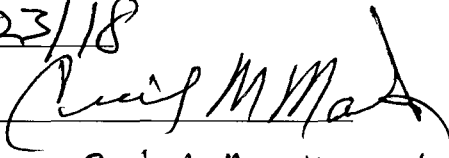
WHEREFORE, Defendant prays for relief as follows:

1. The complaint against Defendant be dismissed
2. I ask for court cost.
3. I ask for such other and further relief, at law or in equity, to which I may be justly entitled.

I, Cecil Martinez hereby attest that the herein answers are true and correct to best of my knowledge.

Party without an Attorney

I agree to provide the prospective agencies with any changes to my address where case-related papers may be served. I understand that my failure to provide to keep a current address on file with the prospective offices may result in the dismissal of my case.

Date of signing 5/23/18
Signature of Defendant 
Printed Name of Defendant Cecil M. Martinez

Certificate of Service

I certify that a copy of this document was delivered to the Plaintiff's lawyer or the Plaintiff (if the Plaintiff does not have a lawyer) on the same day this document was filed with (turned in to) the Court as follows: *(Check one.)*

- ☐ through the electronic file manager if this document is being filed electronically
- ☐ by certified mail, return receipt requested
- ☐ by fax, to fax # _____
- ☒ by personal delivery
- ☐ by email to this email address: _____

▶ Mary Ann Gullen
Signature

5/23/2018
Date